

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN JAY MANCHA,

Defendant.

CR 15-10-GF-BMM

ORDER

Defendant Austin Mancha (Mancha) appeared before United States Magistrate Judge John Johnston on April 2, 2015, and entered a plea of guilty to being a Felon in Possession of a Firearm as charged in Count III of the Indictment. Judge Johnston entered Findings and Recommendations the same day. (Doc. 20). Judge Johnston determined: (1) that Mancha was fully competent and capable of entering an informed and voluntary plea; (2) that Mancha was aware of the nature of the charges against him and the consequences of pleading guilty to Count III; (3) that Mancha understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Mancha's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count III; (5) that Mancha had adequate time to review the Plea Agreement with counsel; and (6) that Mancha

understood each provision of the Plea Agreement. (Doc. 20 at 1-2). Judge Johnston recommended that this Court accept Mancha's plea of guilty to Count III. (Doc. 20 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Mancha's Motion to Change Plea (Doc. 14) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 17) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 5th day of May, 2015.



Brian Morris
United States District Court Judge